

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 43-82 are pending in the present application. Claims 59 and 64 have been amended and Claims 68-82 have been added by the present amendment.

In the outstanding Office Action, the title, abstract and drawings were objected to; Claims 64-67 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kitamura (U.S. Patent No. 5,842,095); and Claims 43-63 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-11 and 23-27 of U.S. Patent No. 6,697,588 in view of Kawamura et al. (U.S. Patent No. 4,660,077).

In response to the objection to the title, the title has been amended herewith to be consistent with the claimed invention. Accordingly, the objection to the title is believed to have been overcome. Regarding the objections to the abstract, the abstract is amended as suggested in the outstanding Office Action. Also the specification has been amended to correct a labeling informality. No new matter has been added.

Applicants enclose herewith a drawing replacement sheet for Figure 44. In Figure 44 the exposure position **E** and the transfer position **T** are now labeled. The description of Figure 44 in Applicants' specification has been respectively amended. Regarding the objection to the drawings relative to the claimed image transfer mechanism/means/element of Claims 43/51/59 respectively, Applicants submit that the image transfer mechanism/means/element is presented in multiple figures (for example, the image transfer belt labeled **1** shown in Figure 44). Accordingly, Applicants respectfully submit that the objections to drawings have been overcome.

Claim 64 has been amended to recite the exposure position is arranged to align with a corresponding light generator through *a slot in a housing*. Support for this amendment is

found in Applicant's originally filed specification.¹ Claim 59 was amended to correct a punctuation informality. Claims 68-69 are method and means plus function claims generally corresponding the apparatus recited Claim 64. New Claims 70- 82 are directed to an alternative embodiment of Applicants' invention. Support for new Claims 70-82 is found in Applicant's originally filed specification.² No new matter is added.

Regarding the rejections of the claims under the non-statutory double patenting judicially created doctrine, Applicants file together with the present amendment a Terminal Disclaimer relative to U.S. Patent No. 6,697,588. Thus, Applicants respectfully submit that the rejection of the Claims 43-63 is moot.

Briefly recapitulating, amended Claim 64 is directed to an image forming cartridge. The image forming cartridge includes a photosensitive drum having an exposure position and a transfer position. The exposure position is arranged to align with a corresponding light generator through a slot in a housing. The transfer position is substantially diametrically opposed to the exposure position. The image forming cartridge is configured to be arranged above a second image forming cartridge having a second exposure position and a second transfer position. The second exposure position is arranged to align with a corresponding second light generator through a second slot in said housing. The second transfer position is substantially diametrically opposed to the second exposure position. The claimed configuration mitigates banding ascribable to the vibration of the cartridges.

Kitamura describes image forming units **22a-22d** each with different color toner.³ Each image forming unit has a photosensitive body **31** where the light from laser **40** exposes an electrostatic latent image that is transferred onto the paper **50** at a substantially

¹ Specifications, elements labeled 30d in Figure 8, described in page 38, lines 11-14; Figures 16, 18, 19; Figure 33 elements labeled 100K, 100C, 100M, 100Y, described in page 48, lines 7-10, Figures 34A and 34B.

² Specification, Figure 34A.

³ Kitamura(U.S. Patent 5,842,095), Figure 2 and 7, Column 5, lines 51-64.

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diametrically opposed position. The image forming units are arranged in a vertical row.

However, Kitamura fails to disclose or suggest a slot in a housing as recited in Claim 64.

Because Kitamura does not disclose or suggest all the elements of independent Claim 64, Applicants submit the inventions defined by Claim 64, and all claims depending therefrom, are not anticipated by the asserted prior art for at least the reason stated above.⁴

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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⁴MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Amendments to the Drawings

The attached sheet includes changes to Figures 44. In Figure 44 labels have been added to identify an exposure position E and a transfer position T.

Attachment: Replacement Sheet Figure 44.